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FORM**

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Total Number of Pages in This Submission

Application Number 09/601,280

Filing Date March 18, 2005

First Named Inventor Axel Schulte

Art Unit 1771

Examiner Name C. A. Juska

Attorney Docket Number 40098

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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Remarks

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Roylance, Abrams, Berdo & Goodman, L.L.P. (Customer No. 01609)		
Signature			
Printed name	Mark S. Bicks		
Date	October 23, 2006	Reg. No.	28,770

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40098



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	PATENT
	:	
AXEL SCHULTE	:	Art Unit: 1771
	:	
Serial No.: 09/601,280	:	Examiner: C. A. JUSKA
	:	
Filed: July 31, 2000	:	
	:	
For: FLOOR CARPET INSTALLING	:	
SYSTEM	:	

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication responds to the October 10, 2006 Notice of Non-Compliant Appeal Brief in connection with the above-identified application, and requests reconsideration since the specification and claims of the original International Application must be modified by the Article 34 Amendments prior to comparison with the substitute specification, as specifically required by the April 15, 2005 Decision on applicant's petition.

The Third Conditional Brief on Appeal is alleged to be non-compliant on the ground that the Brief and the June 30, 2006 Amendments do not conform to the translation of the specification and claims refiled on March 18, 2005 (such translations being originally filed on December 16, 2004). Copies of the allegedly currently pending specification and claims are attached to the Notice.

However, the original International specification and claims were modified under Article 34 during preliminary examination of the International Application. A translation of the annexes to the International Preliminary Examination Report was also refiled on March 18, 2005, which annexes modify the original translations of the specification and claims of the International Application. The translation of those annexes is contained in the U.S. Patent and Trademark Office image file in the 24 page Miscellaneous Communication Letter of March 18, 2005. A convenience copy of those annexes is appended hereto.

The last paragraph on page 2 of the April 15, 2005 Decision states:

With the 18 March 2005 response, applicant has filed an acceptable English translation of the international application as required by 35 U.S.C. 371(c)(2) and the processing fee for filing the English translation of the international application later than 30 months from the priority date. Furthermore, applicant has submitted an English translation of the annexes to the international preliminary examination report (identified as AMENDED SHEETS/IPEA/EP) consisting of four sheets of description and two sheets of description [claims]. These translated amended sheets should [be] replace the translated sheets of the original international application. Therefore, any further amendments to the application[s] would have to amend the international application with the translated annexes entered. Accordingly, a new Notification of Acceptance of Application under 35 U.S.C. 371 and 37 C.F.R. 1.495 (Form PCT/DO/EO/903) indicating a 35 U.S.C. 102(e) date of 18 March 2005 will be mailed to applicant.

(Emphasis added)

This clear and unequivocal statement in that Decision requires entry of the annexes prior to any amendment of the specification and/or claims, and that any amendment must be compared to the translation of the International application as modified by the annexes. See also M.P.E.P.

§ 1893.01(a)(3).

The comparisons submitted by applicant therefore are in compliance with the Decision, such that the substitute specification and claims submitted with the June 30, 2006 Amendment are in proper form for consideration on their merits and inclusion in the Brief on Appeal, rendering the June 30, 2006 Brief compliant.

The undersigned hereby makes of record telephone interviews with Examiner Juska, her supervisor, Mr. Morris, and Mr. L. Smith of the PCT legal branch regarding the above issues on October 17 and 18, 2006. No resolution was reaching during those telephone interviews.

Prompt and favorable action is solicited.

Respectfully Submitted,



Mark S. Bicks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 20036-1649
(202) 659-9076

Dated: October 23, 2006



Gottlieb Binder GmbH & Co., 71088 Holzgerlingen

Floor Carpet Installing System

The invention relates to a floor carpet installing system with a carpet which forms the usable surface with its front side, a non-looped material which is cemented to the floor surface, and an anchoring means which has projecting interlocking elements on both sides and which on the one hand interlock with the reverse side of the carpet which is formed from non-looped material and which faces away from the pile side and on the other hand with the non-looped material on the floor surface.

A carpet installation system of this type is already known from document FR 2 282 999 A. In the known system there are strips which are aligned as anchoring means to the carpet edges and which have projecting interlocking elements on both sides in the form of bristles which are inclined toward the plane of the carpet, these bristles being inclined respectively on one side and the other side in directions opposite one another. This opposite inclination of the bristles upon interlocking with the non-looped reverse side of the carpet and the non-looped material attached to the floor is intended to prevent displacement along the plane of the carpet. But it has been found that this type of anchoring does not ensure a reliable enough bond. In this way, during use the formation of bubbles and ripples can occur, in particular under higher stresses, for example by moving heavy pieces of furniture, there is the danger of major damage.

AMENDED SHEET
IPEA/EP

The object of the invention is to devise a carpet installation system which is accordingly characterized by improved characteristics of use.

In a carpet installation system of the type mentioned in the foregoing, this object is attained as claimed in the invention in that the anchoring means is a microfastener element with interlocking elements in the form of stalks with end-side thickened areas, and that the interlocking elements on the two sides of the adhesive fastener element have different shapes and/or dimension and/or mutual distances from one another.

The anchoring as claimed in the invention by means of double-sided microfastener with an adhesive fastener element, which has interlocking elements located on both sides in the form of stalks with end-side thickened areas, which interlock on each side with non-looped material, results in several advantages. On the one hand, this type of interlocking yields an especially reliable connection with regard to relative movements along the plane of the carpet. On the other hand, because the adhesive fastener element is not cemented directly to the floor surface, but interlocks with the likewise non-looped material which is attached to the floor surface, the danger is avoided that shrinkage or ripples, which occur when the floor surface ages or sets, could lead to detachment of the anchoring, because the non-looped material which is on the floor surface forms a compensation layer with a certain compliance. In addition, this layer which is attached to the floor surface also acts to dampen the noise of walking.

Another advantage is that by choosing the dimensions, the geometry and/or the choice of the number of interlocking elements per unit of area, the interlocking action on the two sides of the adhesive fastener element can be appropriately selected. Thus, for example, the adhesive action on the bottom side of the adhesive fastener element which faces the floor surface can be selected to be stronger than the adhesive action relative to the non-looped material on the reverse side of the carpet. When the carpet is lifted, which is possible in interlocking with the non-looped material on the reverse side of the carpet by overcoming the adhesive force, the adhesive fastener

element in this case remains interlocked to the floor-side non-looped material so that after the carpet is lifted re-installation is possible without additional measures.

For the installation system as claimed in the invention a microfastener element is suited which is configured similarly to the element known from DE 196 46 318 A1, but differs from it in that the corresponding interlocking elements are molded not only on the front side, but also on the reverse side of the backing.

Depending on the product base of the carpet which is to be installed, i.e., depending on the structure of the reverse side, a microfastener can be used with the thickness of the backing of the interlocking elements from 0.1 to 0.5 mm and with 20 to 600 interlocking elements per cm² on each side.

The thickened areas of the stalks of the interlocking elements can have the shape of mushroom heads or plate-shaped heads, the heads on their top side preferably being provided with concave recesses. A process for especially simple production of microfastener elements with these interlocking elements in a one-sided arrangement is proposed in German Patent Application 198 28 856.5.

When using interlocking elements which have recesses on the top side of the heads, the recesses of the heads can be provided with an adhesive which effects additional bonding to the reverse side of the carpet and/or the floor-side material, for example by spread coating.

Textile materials in the form of felts and nonwovens as well as loose leno or smooth knit fabrics and non-woven textiles (nonwoven materials) can be provided as the reverse side of the carpet and as the non-looped material which is cemented to the floor.

The invention will be described in greater detail below with the aid of the drawings in which:

- FIG. 1 shows a schematically simplified and broken away section of the components of the floor carpet installation system as claimed in the invention;
- FIG. 2 shows a perspective, highly enlarged view of a double-sided microfastener element, a single interlocking element being shown even more enlarged and cutaway, and
- FIG. 3 shows a broken-away top view drawn in approximately natural size of the non-looped reverse side of the carpet from FIG. 1.

FIG. 1 shows in an enlarged simplified schematic a section of a carpet with pile elements 1 of the conventional type, which extend up from a connecting layer 3 and which form the pile side of the carpet which is used as the usable surface. The reverse side 5 facing away from the pile side is formed by a non-looped material. Materials can be used for this purpose, which impart to the carpet structure a specific stiffness, directional stability and cut resistance. For this purpose, they can be felts or nonwovens which acquire their mechanical coherence by tufting processes and are cemented to the connecting layer 3 of the carpet. Loose leno or smooth right/left knits and other so-called nonwoven materials are also suitable for this purpose.

FIG. 2 shows a section of a strip of a microfastener element 7 similar to the one shown in DE 196 46 318 A1. The thermoplastic (for example, polyolefins or blends of polyamides are possible) strip formed in the gap between an upper and a lower forming tool forms a film-like backing 9 with stalks 11 which project from its top side and bottom side. The stalks 11, which project from the top side of the backing 9 and which have thickened ends which

C l a i m s

1. Floor carpet installing system with a carpet which forms the usable surface with its pile side (1), non-looped material (21), which is cemented to the floor surface (25), and an anchoring means (7) which has projecting interlocking elements (11) on both sides and which on the one hand interlock with the reverse side (5) of the carpet which is formed from non-looped material and which faces away from the pile side (1) and on the other hand with the non-looped material (21) on the floor surface (25), characterized in that the anchoring means is a microfastener element (7) with interlocking elements made in the form of stalks (11) with end-side thickened areas (13), and in that the interlocking elements (11, 13) on the two sides of the adhesive fastener element (7) have different shapes and/or dimension and/or mutual distances from one another.
2. The carpet installation system as claimed in claim 1, wherein the thickened areas of the stalks (11) of the interlocking elements have the shape of mushroom heads or plate-shaped heads (13).
3. The carpet installation system as claimed in claim 2, wherein the heads (13) which form the thickened areas are provided on their top side with concave depressions (15).
4. The carpet installation system as claimed in claim 3, wherein the depressions (15) of the heads (13) on at least one side of the adhesive fastener element (7) are provided with an adhesive (17) which effects an additional bond to the reverse side (5) of the carpet and/or the material (21) on the floor surface (25).

5. The carpet installation system as claimed in claim 4, wherein there is an acrylate-based adhesive (17).
6. The carpet installation system as claimed in one of claims 1 to 5, wherein felts or nonwovens are provided as the non-looped textile material (5, 21).
7. The carpet installation system as claimed in one of claims 1 to 5, wherein loose leno or smooth knit fabrics are provided as non-looped textile material (5, 21).
8. The carpet installation system as claimed in one of claims 1 to 5, wherein the non-woven textiles such as stitch-bonded materials, needled felt, or tufting are provided as non-looped textile material (5, 21).
9. The carpet installation system as claimed in one of claims 6 to 8, wherein at least the non-looped material (21) provided on the floor surface (25) has properties of damping the noise of walking.